	<b>RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
<b>Original Effective Date:</b> June 22, 1989  <b>Revised Date:</b> July 11, 2012  <b>Reformatted Date:</b>	<b>Subject:</b> Application Fees and Extensions of Part 115 Permit/License Deadlines		<b>Category:</b> <input checked="" type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Noninterpretive <input type="checkbox"/> External/Interpretive
	<b>Division/Office and Program Names:</b> RMD-Solid Waste and Land Application Section		
	<b>Number:</b> RMD-115-1	<b>Page:</b> 1 of 2	

*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.*

## INTRODUCTION, PURPOSE, OR ISSUE:

The purpose of this policy and procedure is to help staff determine the appropriate application fees and extension of deadlines.

## AUTHORITY:

Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

**DEFINITIONS:** N/A.

## POLICY:

### FEES:

#### **Construction Permit Fees:**

Per Section 11509(4) of Part 115, Solid Waste Management, of the NREPA states that if a construction permit application is denied, the DEQ shall refund one-half of the applicable application fees. The applicant may then resubmit the application within 12 months of denial, along with the additional information to address the reasons for the denial, and the refunded portion of the fee, without being required to pay an additional application fee. The applicant also has the option of withdrawing an application in order to avoid a pending denial. If a construction permit application is withdrawn, Section 11509(4), requires that the DEQ refund one-half of the application fee. If the applicant resubmits the application within 12 months, along with the refunded portion of the fee, the DEQ shall act on the application without requiring the applicant to pay a new application fee. If the applicant intends to resubmit soon after withdrawing or receiving a denial, then one-half of the application fee may be held by the DEQ, allowing the applicant to resubmit without an exchange of application fees. If the applicant requests that one-half of the fee be returned, regardless of the time frame, then one-half of the fee must be returned.

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**Operating License Fees:**

Under Section 11512(5) of Part 115, if an operating license application is denied, the applicant may resubmit the application together with additional information or corrections to address the reason(s) for denial within six months without having to pay an additional application fee. The application fee, or any portion of the fee, is not returned to the applicant when the operating license application is denied. Likewise, the application fee, or any portion of the fee, will not be returned when the operating license application is withdrawn. However, the DEQ will allow an applicant to resubmit the application along with the additional information or corrections within six months without having to pay an additional fee.

If either the construction permit or operating license application is returned as administratively incomplete, the DEQ will hold the application fee, assuming the applicant is resubmitting information needed to make the application complete. The application period (administrative completeness review) is tolled until the additional information is submitted.

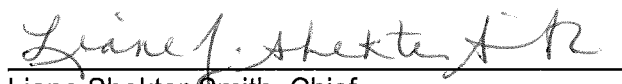
**EXTENSIONS:**

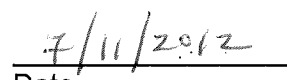
Section 1307 of Part 13, Permits, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), requires that the Director of the Department of Environmental Quality (DEQ) make a final decision on an administratively complete construction permit application for a solid waste disposal area within 120 days, and a final decision on an administratively complete operating license application within 90 days of receiving an administratively complete application. If a final decision is not made within these time limits, the permit or license is automatically issued.

Section 1307 of Part 13 allows the DEQ to extend the processing period for construction permits and operating licenses. If the applicant requests the processing period be extended by up to 120 days, the department shall extend the processing period. If the applicant requests to extend the review period by more than 120 days, the department may extend the review period, but not beyond a total of one year from the date the application was determined to be administratively complete. The department is not required to extend the review period beyond the 120 days.

A construction certification for a newly-constructed area and a closure certification will not be returned as administratively incomplete, and no extensions will be granted. If the required information is not present in the certification, the certification will be denied.

DIVISION CHIEF APPROVAL:

  
Liane Shekter-Smith, Chief

  
Date